SUPREME COURT OF THE UNITED STATES.

No. 82.

JOHN LANE AND SARAH C. LANE, WIFE OF THE SAID JOHN, AND ELIZABETH IRION, AN INFANT UNDER 21 YEARS, WHO SUES BY JOHN LANE, HER NEXT FRIEND, COMPLAINANTS AND APPELLANTS,

vs.

JOHN W. VICK, SARGEANT S. PRENTISS, AND AL.

APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

INDEX.

	Original.	Print.
Style of court	1	2
Bill of complaint	1	2
Exhibit No. 1, referred to in said bill—U. S. patent to Newit Vick	7	6
" A—Record of Orphans' court of Warren county	9	7
" B—Order of the Superior court for Warren county, &c.	33	26
" B—Deed, 1st Nov., 1831—Jno. W. Vick to N. H. Rappleye	37	28
" C—Deed, 1st March, 1836—N. H. Rappleye to W. S. Bodley and al.	39	30
" D—Deed, 30th June, 1834—N. H. Rappleye to J. J. Guion		31
" E—Deed, Sept., 1835—N. H. Rappleye to S. S. Prentiss	44	33
Subpœna	46	34
Answer of Newit Vick, by John W. Vick, his guardian ad litem	47	35
Answer of Emily and Martha Vick	48	35
Demurrer of S. S. Prentiss and al.	49	35
Joinder in demurrer	50	36
Decree dismissing complainants' bill	50	36
Appeal prayed	50	37
Appeal granted	51	37
Appeal bond	52	38
Clerk's certificate	54	38
Citation	55	39
Service of citation	58	40

J. & G. S. Gideon, Printers.

Between JOHN LANE and WIFE, et al., vs. HEIRS OF VICK and S. S. PRENTISS, et al. } In chancery.

Pleas before the honorable John McKinley, presiding judge of the circuit court of the United States, in and for the ninth circuit and southern district of Mississippi, held at the town of Jackson, at the May term, in the year of our Lord one thousand eight hundred and forty-two.

Be it remembered, that heretofore, to wit, on the sixteenth day of October, in the year of our Lord one thousand eight hundred and thirty-eight, came John Lane and Sarah C. Lane his wife, citizens of the State of Louisiana, and Elizabeth Irion, a citizen of the State of Tennessee, an infant under twenty-one years, who sued by John Lane, her next friend, complainants, by Hardin and Holt, their solicitors, into the clerk's office of the circuit court of the United States for the southern district of Mississippi, and filed their certain bill of complaint against the heirs of Vick, S. S. Prentiss and others, defendants, which said bill is in the words and figures following, to wit:

To the honorable the judges of the United States circuit court for the ninth judicial circuit, district of Mississippi, in chancery sitting:

Your orator and oratrices, John Lane, and Sarah C. Lane his wife, citizens of the State of Louisiana, and Elizabeth Irion, a citizen of the State of Tennessee, who is an infant under twenty-one years, and who sues by John Lane, her next friend, would respectfully represent, that Newit Vick, a citizen of the State of Mississippi, owned in fee simple two tracts or parcels of land situated in the State of Mississippi, and county of Warren, on the bank of the Mississippi river, immediately below and adjoining to a place, known on said river by the name of "Walnut Hills;" he, the said Newit Vick, called the lands aforesaid by the designation of "river tracts," the "upper," and "lower;" yet the said tracts adjoined each other. His patent for said land, investing him with the legal title for the same, is here referred to and filed, marked exhibit No. 1. The said tracts of land being described in said patent as section *nineteen*, in township *sixteen*, of range three east, containing three hundred and ninety-four acres and 33 hundredths of an acre.

Your orator and oratrices would further state, that said Vick, being thus seized and possessed of the lands aforesaid, departed this life on the day of 1819, having first made and published his last will and testament; which will was duly proved and admitted to record by the orphans' court of Warren county, in which said

county the said Newit Vick resided at the time of his death, and which court had jurisdiction of the probate of wills; a copy of which will is here referred to, and made part of this bill, marked exhibit A. The executrix named in said will died in a few minutes after her husband, without having made choice of her future residence. Hartwell Vick refused to qualify as executor, and has since departed this life. Willis B. Vick did qualify as executor, but owing to ill health could not perform and discharge the duties of executor, and was in consequence thereof, and by his own request, removed as executor aforesaid by the superior court of the county of Warren, at its September term, 1821, on an appeal thereto from the orphans' or county court of said county, prosecuted by your orator John Lane; and your orator John Lane was appointed administrator with the will annexed of the estate of the said Newit Vick, by said orphans' court at its October term, 1821. Copies of the records of his removal, and of the failure and refusal of Hartwell Vick to qualify, and the appointment of John Lane, are here referred to as part of this bill. (*Marked exhibit A.*)

Your orators allege that the orphans' court had full, ample, and exclusive jurisdiction of all matters and things in relation to, and of, and concerning last wills and testaments, the admitting to probate wills, the qualification of executors, their removal for cause, and also the appointment of administrators, &c. &c.; and that said superior court had full jurisdiction of the appeal aforesaid, and of the matter adjudicated by it. That all the actings and doings of said courts touching the matters aforesaid were within their jurisdiction, and good and valid until reversed, which has never yet been done.

Your orators would further allege, that some years since the said Willis B. Vick departed this life, and that for some years all the executors of the last will and testament of said Newit Vick have been dead. Your orators allege, that only a few lots had been laid off, and sold by Newit Vick in his lifetime, and that your orator John Lane, as administrator with the will annexed, laid off by actual survey the said town of Vicksburg, off of the upper end of the uppermost tract referred to in said will; which will, as your honors will perceive, directed the same to be done. Lots and parts of lots have been sold from time to time by the said administrator, and the amounts of the sales applied to the payment and liquidation of the debts of the said Newit Vick, until all the debts which he, the said Newit Vick owed, so far as are known, have been paid off and discharged.

They would further state, that there yet remain lots and parts of lots, and parcels of ground in said town, and on said two hundred acres, which are unsold, and more especially that part of said town known by the name of "Commons," and "Levee street," which have descended to the heirs of said Newit Vick, hereinafter mentioned. They would further represent that the powers of said Lane,

administrator, to sell the unsold lots, parcels of ground, as above stated aforesaid, have been doubted and brought into question, which renders it to him a matter of prudence and sound discretion to stop the sales, since the debts of Newit Vick have been paid, and ask the advice of this honorable court sitting in chancery, who have the burden and whose duty it is to explain the nature of all trusts, and decree the performance of the same, to say what shall be done with the residue of the unsold lots, and parts of lots, commons, Levee street, &c. in said town, and on said two hundred acres.

Your orators allege and further represent, that the said Newit Vick at his death left the following heirs: Hartwell Vick, who has since died, and who left the following children and heirs, Elizabeth, who has intermarried with John Brodnax, since deceased, Henry Vick, and Charles Vick, Nancy Vick, who married Robert C. Irion, who, (to wit, the said *Mary*,) has departed this life, and left as her only heir your oratrix Elizabeth; Sarah C. Vick, who intermarried with John Lane, who are two of the complainants in this bill; Mary A. Vick, who married John Henderson; that the said Mary A. Vick has departed this life, leaving the following children and heirs, Elizabeth Henderson, Francis Henderson, Emily Henderson, and William Henderson; Eliza Vick, who married Henry Morse; Lucy W. Vick, who married L. Irwin; John W. Vick; William Vick; Matilda L. Vick, who married Samuel McCray, who has since departed this life, leaving the following children and heirs, Amanda McCray, William V. McCray, and Matilda McCray; Amanda Vick, who has intermarried with Charles K. Marshall; Martha Vick; Emily F. Vick, and Newit H. Vick, all of the heirs of said Newit Vick above named, and who are not complainants in this bill, are citizens of the State of Mississippi, and are made defendants to this bill.

Your orators allege that on the first day of November, 1831, John W. Vick sold out his interest in divers of the unsold lots and parcels of ground in said town, and more particularly in the "Commons" and "Levee street," to Nicholas H. Rappleye. Copy of the deed of conveyance is here referred to, and made part hereof, marked exhibit B. That the said Rappleye conveyed one-third of the land conveyed to him by John W. Vick, to William S. Bodley and Jilson P. Harrison, who are citizens of the State of Mississippi, and are made defendants to this bill. A copy of the deed is here referred to, marked exhibit C. That said Rappleye sold one-sixth of said land to John J. Guion, a citizen of the State of Mississippi, and who is made defendant hereto. A copy of the deed to said Guion is here referred [to,] and made part hereof, marked exhibit D. The residue of said land, the said Rappleye conveyed to Sargeant S. Prentiss; the said Prentiss is a citizen of the State of Mississippi, [and] is made defendant to this bill. Copies of the deeds to said Prentiss are here referred to, and made part hereof, marked exhibit E.

Your orators would allege, that said Harrison sold one-half of his sixth to Harvey M. Jenkins, and said Jenkins has sold out his interest to Claiborne Steele; the said Steele is a citizen of the State of Mississippi, and is made defendant to this bill. Whether deeds of conveyance have been made from Harrison to Jenkins, and Jenkins to Steele, they are unable to say, and call on said Harrison and Steele to file all papers connected with the sale aforesaid.

Your orators state, that said defendant Guion has sold part of his interest to John Stinson, a citizen of the State of Mississippi, and who is made defendant hereto, and is called on to state how much of said land he has purchased of said Guion, and file all the papers connected with his contract.

Your orators allege, that said Prentiss has sold a part of his interest in said land to David Snodgrass, a citizen of the State of Mississippi, and who is made defendant to this bill, and is called on to file all his title papers connected with his purchase from said Prentiss.

Your orators further allege, that said Prentiss has sold a part of said land to the president and directors of the Commercial and Railroad Bank of Vicksburg, a corporation created by the Legislature of the State of Mississippi, and the stockholders and corporators of which are citizens of the State of Mississippi, and by their corporate name aforesaid, are made defendants to this bill, and are called on to file all their title papers connected with said purchase.

Your orators allege, that said land, to wit, all the unsold lots, parts of lots, parcels of ground, Commons, and Levee street, are worth one million of dollars, and that the rents and profits are worth one hundred thousand dollars per annum; that part of the defendants, to wit, those who claim under Rappleye, have been in the receipt and enjoyment of the same since the date of their respective purchases.

Now to the end, therefore, that justice may be done your orators in the premises, grant to your orators a subpœna, that the defendants be compelled to appear and answer this bill, and set out their title to the unsold lots, parts of lots, Commons, and Levee street, in the town of Vicksburg, on the two hundred acres off the upper end of the uppermost tract, and also state the amount of the rents and profits of said ground.

Your orators pray your honors, upon a final hearing of this cause, to decree a division and partition of the aforesaid lots, parts of lots, Commons, and Levee street, to be made between them and the other heirs of Newit Vick; and that said claimants shall be put into possession of the part allotted to her or them, and that the defendants shall account for the rents and profits which they have respectively received. Or if a partition and division of the ground aforesaid, as above asked for, is not, in the opinion of this honorable court, carrying the will of the testator, Newit Vick, into full and complete effect, according to the true intent and meaning thereof,

then may your honors decree and order the said John Lane, administrator with the will annexed, to proceed to sell said grounds, upon such terms and credits as you may deem proper, and then distribute the money among the several claimants, according to their respective interests, and grant all such other relief as to justice may belong.

HARDIN & HOLT,
Solicitors for Complainants.

Exhibits referred to in said bill.

Exhibit No. 1.

James Monroe, President of the United States of America, to all to whom these presents shall come, greeting:

Know ye, that Newit Vick, assignee of Andrew Glass, having deposited in the General Land Office a certificate of the register of the land office west of Pearl river, whereby it appears that full payment has been made for section *nineteen*, in township *sixteen*, of range three (east,) containing three hundred and ninety-four acres and thirty-three hundredths of an acre of the lands directed to be sold at Washington, (Mississippi,) in pursuance of the laws providing for the sale of the lands of the United States in Mississippi and Alabama, there is granted by the United States, unto the said Newit Vick, the lot or section of land above described; to have and to hold the said lot or section of land, with the appurtenances, unto the said Newit Vick, his heirs and assigns, forever.

In testimony whereof, I have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the city of Washington, the eighteenth day of April, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States of America the sixty-fourth.

[L. S.]

By the President: JAMES MONROE.

Recorded, volume 4, page 382.

JOSIAH MEIGS,
Commissioner of the General Land Office.

THE STATE OF MISSISSIPPI,
Warren county, ss:

I, Edward B. Scarborough, clerk of the probate court of said county, do hereby certify, that the foregoing patent was filed for record in my office, on the 20th of March, 1839; whereupon, I have made the same of record, in book M, page 365.

Given under my hand, and seal of office, this 26th day of April, 1839.

[L. S.]

ED. B. SCARBOROUGH, *Clerk.*

Exhibit A.

THE STATE OF MISSISSIPPI, *Warren county, ss:*

Be it remembered, that on Monday, the 25th day of October, 1819, it being the fourth Monday in said month, an orphans' court was holden in and for the county of Warren.

Present: John Jenkins, esq., chief justice.

Among the records and proceedings of said court are the following, to wit:

Hartwell Vick presented to the court, a writing purporting to be the last will and testament of Newit Vick, deceased, and on the oath of Foster Cook, one of the witnesses whose name was subscribed thereto, it was proven and ordered to be recorded; and is in the words and figures following, to wit:

In the name of God, Amen! I, Newit Vick, of Warren county, and State of Mississippi, being of perfect mind and memory, and calling to mind the mortality of life, and knowing that it was appointed for all men once to die, do make and ordain this my last will and testament, in the manner and form following, to wit:

Primarily, and first of all, I give and dispose my soul into the hands of Almighty God, who gave it, and my body, I recommend to be buried in a christian-like and decent manner, according to the discretion of my executors.

2ndly. I will and bequeath unto my beloved wife, Elizabeth Vick, one equal share of all my personal estate, as is to be divided between her and all of my children, as her own right, and at her own disposal during her natural life; and also, for the term of her life on earth, the tract of land at the Open woods on which I now reside, or the tracts near the river, as she may choose, reserving two hundred acres however, on the upper part of the uppermost tract, to be laid off in town lots at the discretion of my executrix and executors.

3rdly. I will and dispose to each of my daughters, one equal proportion with my sons and wife, of all my personal estate as *the* come of age or marry; and to my sons, one equal part of said personal estate as they come of age, together with all of my lands, all of which lands I wish to be appraised, valued, and divided when my son Westley arrives at the age of twenty-one years, the said Westley having one part, and my son William having the other part of the tracts unclaimed by my wife, Elizabeth; and I bequeath to my son Newit, at the death of my said wife, that tract which she may prefer to occupy. I wish it to be distinctly understood, that that part of my estate which my son Hartwell has received shall be valued, considered as his, and as a part of his portion of my estate.

4thly and lastly. I hereby nominate and appoint my beloved wife Elizabeth, my son Hartwell, and my nephew Willis B. Vick, my sole and only executrix and executors of this my last will and

testament. It is however, furthermore, my wish that the aforesaid Elizabeth should keep together the whole of my property, both real and personal, reserving the provisos before made, for the raising, educating, and benefit of the before mentioned children.

It must be remembered, that the lot of two acres on the bank of the river on which a sawmill house is erected, belongs to myself, son Hartwell, and James H. Center, when the said Center pays his proportional part.

I wish my executors, furthermore, to remember, that the town lots now laid off, and hereafter to be laid off, on the aforementioned two hundred acres of land, should be sold to pay my just debts, or other engagements, in preference to any other of my property, *for the use and benefit of all my heirs*, and that James H. Center have a title made to him for one lot already laid off of half an acre in said 200 acres, and on which he has builded, when he pays to my executors the sum of three hundred dollars.

In testimony whereof, I have hereunto set my hand and seal, this 22nd day of August, in the year of our Lord 1819.

The words interlined, "for the use and benefit of all my heirs," before signed.

NEWITT VICK. [SEAL.]

FOSTER COOK,
EDWIN COOK,
B. VICK.

And afterwards, to wit, at the November term, 1819, of said orphans' court, the following order was made and entered upon the records thereof, to wit:

Willis B. Vick, one of [the] executors of the last will and testament of Newitt Vick, deceased, came into court, and together with Foster Cook and Henry W. Vick, his sureties, entered into bond in the penal sum of seventy thousand dollars, conditioned as the law directs, and took the oath required by law; certificate is therefore granted him for obtaining letters testamentary in due form.

Which said bond and letters testamentary are in the words and figures following, to wit:

Know all men by these presents, that we, William B. Vick, Foster Cook, and Henry W. Vick, are held and firmly bound unto John Jenkins, esq., chief justice of the orphans' court of Warren county, in the sum of seventy thousand dollars, to be paid to the said chief justice or his successors in office; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals, and dated this 29th day of November, anno domini one thousand eight hundred and nineteen.

The condition of the above obligation is such, that if the above bound Willis B. Vick, executor of the last will and testament of Newit Vick, late of said county, deceased, do make or cause to be

made a true and perfect inventory of all and singular the goods, chattels, and credits of said testator, which have or shall come to the hands, possession, or knowledge of the said executor, or into the hands or possession of any other person or persons for the said executor; and the same so made, do exhibit or cause to be exhibited into the clerk's office of the orphans' court of the county aforesaid, at or before the expiration of three calendar months from the date of the above obligation; and the same goods and chattels, and all other goods, chattels, and credits of the said deceased, at the time of his death, which at any time after may come into the hands or possession of any other person or persons for the said executor, do well and truly administer according to law; and the said last will and testament, do well and truly execute agreeably to the tenor and true intent, and meaning of the testator aforesaid, and render a just and true account thereof whenever thereto legally required, the above obligation to be void; otherwise, to remain in full force and virtue.

Signed, sealed, and delivered in presence of
B. WRENN, *Clerk.*

WILLIS B. VICK, [L. S.]
FOSTER COOK, [L. S.]
HENRY W. VICK. [L. S.]

THE STATE OF MISSISSIPPI, *Warren county, sct:*

By the Orphans' court of said county.

Whereas Newit Vick, late of said county, deceased, having whilst he lived, and at the time of his death, divers goods, rights, and credits, within the county and State aforesaid, and leaving his last will and testament with Hartwell Vick, one of the executors thereof, Elizabeth Vick, one of the *executors* therein named, having departed this life, and the said Hartwell having renounced his right of executorship, and the said Willis B. Vick having taken the oath usually taken by executors, we do hereby grant unto the said Willis B. Vick these our letters testamentary, authorizing and empowering him to execute the said last will and testament according to the true intent and meaning thereof, and according to law, and to make an inventory of the estate of the said deceased, and to cause the same to be appraised, and to make return of such inventory and appraisement into the clerk's office of the orphans' court of the county aforesaid, at or before three calendar months from the date hereof, and to render a just and true account, calculation, and reckoning of his executorship, when thereunto required.

Witness: John Jenkins, esquire, chief justice of the orphans' court of said county, this 29th day of November, in the year 1819, and 44th of American independence.

B. WRENN, *Clerk.*

And at the said November term, 1819, of said court, the following order was made and entered upon the records thereof, to wit:

On motion of Willis B. Vick, executor of the last will and testament of Newit Vick, deceased, it is ordered, that Jones Wrenn, Rob. M. Spann, Alex. Cook, John Templeton, and John McAlester, or any three of them, being first duly sworn, do appraise the personal estate of Newit Vick, deceased, and make return to the next orphans' court.

And afterwards, to wit, at the November term, 1820, of said court, the following order was made and entered upon the records thereof, to wit:

Hartwell Vick, one of the executors named in the last will and testament of Newit Vick, deceased, appeared in court, and applied for letters testamentary on the estate of said decedent, without giving bond or security; which was refused him by the court. And on the said applicant's motion, it is ordered, that this motion be transferred to the next county court of this county for argument.

And afterwards, to wit, at the July term, 1821, of said court, the following order was made and entered upon the records thereof:

On motion of John Lane, it is ordered, that Willis B. Vick, executor of the will of Newit Vick, deceased, be cited to appear at the next county court, and shew cause, if any he can, why he has not rendered his account, as executor as aforesaid, for settlement with this court.

And at the said July term, 1821, of said court, the following order was made and entered upon the records thereof, to wit:

Willis B. Vick, executor of the last will and testament of Newit Vick, deceased, petitioned this court to discharge him from the further execution of the will aforesaid; but the court being of opinion that the said executor could not by law be discharged from the trust aforesaid, it is therefore ordered, that he do continue as executor as aforesaid.

Whereupon John Lane, one of the representatives of said decedent, moved the court that the above order be transferred to the next superior court of this county for argument and decision; which was assented to by the court.

And afterwards, to wit, at the October term, 1821, of said court, the following order was made and entered upon the records thereof, to wit:

On application of John Lane, administration, with the will annexed, of Newit Vick, deceased, were committed to him, on his entering into bond, together with William W. Blanton, Reuben Newman, and Jacob Hyland, his securities, in the sum of sixty thousand dollars, and taking the oath required by law. Whereupon he, together with the said W. W. Blanton, Reuben Newman, and Jacob Hyland, entered into and acknowledged their bond in the penal sum of sixty thousand dollars, conditioned as the law directs, and took the oath required by law. Certificate is therefore granted him for obtaining letters of administration in due form.

And at the said October term, 1821, of said court, the following order was made and entered upon the records thereof, to wit:

On motion of John Lane, administrator with the will annexed of Newit Vick, deceased, it is ordered, that [he] be authorized to sell one hundred lots in the town of Vicksburg, agreeably to the will of said decedent.

And afterwards, to wit, at the October term, 1822, of said court, the following order was made and entered upon the records thereof, to wit:

John Lane, administrator of N. Vick's estate, presented his account for an annual settlement of said estate; which was received, allowed, and ordered to be recorded in the words and figures following, to wit:

The estate of N. Vick, in account with John Lane, administrator.

1820.	Nos.		
Oct. 20	1	Paid to Augustus Griswold this am't	$14 00
1821.			
Jan. 21	2	Paid Joseph Templeton this amount	7 75
1	3	Paid J. W. Boyd this amount -	9 00
1820.			
Nov. 25	4	Paid J. W. Bryan this amount -	52 75
1821.			
Jan. 8	5	Paid Thomas Daniel this amount -	40 90
8	6	Paid G. Glass & Selley this amount -	9 68¾
13	7	Paid H. P. Morancey this amount -	6 37½
Feb. 23	8	Paid Snodgrass & Whitney this am't	16 93¾
Jan. 8	9	Paid C. F. Stiles this amount -	10 00
1820.			
Sept. 23	10	Cash given to Eliza and Lucy Vick while at school in Washington -	16 75
1821.			
Aug. 3	11	Paid Jno. Nugent this amount -	15 62½
24	12	Paid Jno. Henderson this amount -	12 15½
May 13	13	Paid Capt'n Morris this amount -	4 75
Oct. 8	14	Paid R. Boardman this amount -	1 75
Nov. 21	15	Paid H. P. Morancey this amount -	2 00
Dec. 3	16	Paid H. P. Morancey this amount -	1 00
11	17	Paid John Wood this amount -	226 65
11	18	Paid John Nugent this amount -	15 62½
11	19	Paid H. D. Dowry this amount -	85 92
18	20	Paid R. Wooden this amount -	130 00
15	21	Paid H. P. Maracy this amount -	2 25
3	22	Paid Thomas Lanewelle this amount	27 00
24	23	Paid H. P. Morancey this amount -	1 50
1822.			
Jan. 3	24	Paid John Elmore this amount -	616 00

ACCOUNT—Continued.

1821.	Nos.		
Oct. 22	25	Paid Parasot this amount - -	$3 12½
1822.			
Jan. 8	26	Paid R. Williams this amount -	31 75
1821.			
Oct. 8	27	Paid C. Henderson this amount -	75
Nov. 22	28	Paid Ch. Henderson this amount -	43 75
Nov. 2	29	Paid Ch. Henderson this amount -	4 00
5	30	Paid Ch. Henderson this amount -	5 00
1822.			
Jan. 10	31	Paid Henry Houston this amount -	33 50
Feb. 7	32	Paid A. Glass, sheriff, on account of H. Vick, this amount - -	2,515 15
6	33	Paid J. Hughes this amount - -	1 50
Mar. 17	34	Paid J. Hughes this amount - -	6 00
1818.			
Mar. 17	35	Paid John Sevin this amount -	36 43¾
17	36	Paid this amount to Rollins & Runnels	7 25
1822.			
Mar. 7	37	Paid E. D. Walcott this amount -	60 75
Jan. 23	38	Paid Hall & Grenleaf this amount -	38 24¾
Feb. 1	39	Paid J. Hubbell this amount -	9 00
May 4	40	Paid H. P. Morancy this amount -	19 87½
Mar. 27	41	Paid J. W. Boyd this amount -	15 00
April 4	42	Paid Jno. Menefee this amount -	41 50
Mar. 27	43	Paid Jno. Jenkins this amount -	35 00
Feb. 4	44	Paid Hall & Greenleaf this amount -	33 04
Mar. 25	45	Paid L. C. Phillips this amount -	8 00
April 7	46	Paid R. Boardman this amount -	8 50
1821.			
Aug. 21	47	Paid Winter & Moore this amount -	4 50
1822.			
Feb. 5	48	Paid A. Millard this amount -	29 50
Jan. 25	49	Paid J. W. Bryan this amount -	65 00
Feb. 5	50	Paid R. R. Edwards this amount -	4 00
Jan. 25	51	Paid this amount to Parasott -	8 00
7	52	Paid H. F. Schweppe this amount -	5 50
30	53	Paid McKean & Rennoyer this am't	10 12½
29	54	Paid A. & E. Wooden this amount -	4 50
30	55	Paid J. C. Wilson this amount -	51 25
Feb. 1	56	Paid White & Keeler this amount -	10 00
Jan. 30	57	Paid Lester & Co. this amount -	5 56¼
Feb. 1	58	Paid Skinner & Grant this amount -	4 50
1	59	Paid J. Knal this amount - -	8 75
Jan. 30	60	Paid Lepster & Nubey this amount -	6 00
April 27	61	Paid J. Henderson this amount -	55 00

ACCOUNT—Continued.

1822.	Nos.		
Jan. 28	62	Paid Fields & Morgan this amount -	$15 80
31	63	Paid L. Moorehouse this amount -	68 75
31	64	Paid R. D. & S. Blossom this amount	40 88
28	65	Paid Patterson & Philpot this amount	44 68¼
28	66	Paid Hill & Henderson this amount	45 51
29	67	Paid O. H. Phelps this amount -	286 13
Mar. 14	68	Paid John Glaney this amount -	49 50
Jan. 30	69	Paid Skinner & Grant this amount -	218 50
25	70	Paid Ch. Henderson this amount -	23 75
May 18	71	Paid J. Swaright this amount -	28 00
28	72	Paid R. Newman this amount -	12 30
Feb. 8	73	Paid George Ramsey this amount -	9 50
May 28	74	Paid R. Newman this amount -	18 56¼
Jan. 22	75	Paid R. Boardman this amount -	29 62½
29	76	Paid H. Babcock this amount -	82 85
May 3	77	Paid Paul Ryst this amount -	157 72½
3	78	Paid John Elmore this amount -	3 24
July 25	79	Paid John Nugent this amount -	18 00
25	80	Paid R. Boardman this amount -	3 00
Jan. 31	81	Paid F. R. Hyde this amount -	4 50
July 24	82	Paid J. W. Bryan this amount -	110 66
May 20	83	Paid William Hollingsworth this am't	97 25
July 23	84	Paid Snodgrass & Whitney this am't	2 50
23	85	Paid Shipp & Bernard this amount -	9 62½
Feb. 3	86	Paid Samuel Rogers this amount -	111 26
19	87	Paid Anthony Glass this amount -	300 00
Mar. 2	88	Paid this amount on the Open-woods tract of land - - -	63 41
2	89	Paid this amount on the tract of land on the river - - -	19 25
Aug. 9	90	Paid R. Stockton this amount -	200 00
July 23	91	Paid E. Turner this amount - -	11 39
Mar. 1	92	Paid A. Marshalck this amount -	4 64
1	93	Paid Cornell & Chesholm this amount	7 00
Feb. 26	94	Paid Capt'n Morris this amount -	1 25
July 2	95	Paid Wm. McCleary this amount -	10 00
May 13	96	Paid James Simpson this amount -	6 54
3	–	To postage up to this day - -	1 43¾
April 28	–	To amount ferriage over Big Black -	7 00
8	–	Paid R. Brown for crying town l.ts -	4 00
1821.			
Nov. 1	–	Paid Mark for 20 pairs negro shoes -	30 00
1	–	Paid Arch for 1 sow and pigs -	3 00
Dec. 26	–	Paid Ben and John for picking cotton	3 18¾
26	–	Paid freight for twine - -	25

ACCOUNT—Continued.

1822.	Nos.		
Feb. 1	–	Paid drayage in New Orleans -	$2 75
1	–	Gave to N. Vick - - -	50
1	–	Paid Solomon for hauling load -	1 12½
1	–	Paid Joe for one ox yoke - -	2 50
May 10	–	Paid Mr. Newman's negroes for ginning three nights to give me seed	2 00
10	–	Paid W. Blanton's Jim for do -	1 00
July 13	–	Paid Mr. Cochran's Ben for fowls -	7 87½
13	–	Paid Bob for venison - -	56¼
June 9	–	Paid Mr. J. Henderson for medicine -	2 37½
9	–	Cash given to Lucy Vick while at school at Washington - -	25 00
9	–	Expenses at March court, 1822 -	1 75
1821.			
Dec. 25	–	Paid L. Davis' negroes for bringing home one steer - - -	5 00
1822.			
Mar. 15	–	Paid R. Boardman for two tin buckets	1 37½
Sept. 9	–	Expenses at court - - -	50
2	–	Expenses at G. Port in attending the arbitration—H. Vick & D. Wood -	3 87½
2	–	To cash paid by Mrs. Lane for family	9 50
1821.			
		Cash paid Coffee for hogs - -	1 50
Mar. 10	–	Paid R. Stockden for attending to business - - - - -	10 00
1822.			
Sept'r.	97	To R. Newman for E. McGuillen, this	10 00
July 23	98	Paid Berthe, Lapice, & Co. this am't	25 16
23	–	Freight to Captain Williams -	43¾
Sept. 21	–	Postage paid - - -	18¾
July 23	–	Cash paid for the use of the family -	2 00
23	–	To Seth Griffith for balance -	1 00
1820.			
Mar. 21	99	Paid A. Hull this amount - -	19 19
Oct. 11	100	Paid H. D. Downs this amount -	48 16
5	–	Paid ferriage for three of the family	37½
14	–	Paid Arch for fowls - - -	1 00
1822.			
Oct. 5	–	Expended by Wesley in going to Washington with Matilda and returning with Lucy - -	3 37½
Sept. 1	–	Paid this amount to Wm. Walcott for 4 prs. stockings and 4 prs. socks -	7 00
Mar. 18	101	Paid John Henderson this amount -	260 64¾

ACCOUNT—Continued.

1822.	Nos.		
Oct. 17	102	Paid John Henderson this amount -	$30 46½
21	103	Paid H. Morse this amount - -	90 46½
Feb. 15	111	Paid this amount to Reynolds & Ralston - - - -	69 75
15	112	Paid this amount do do - -	11 62
Sept. 28	–	Paid postage on letters - -	75
28	–	Paid Captain Williams for bringing letters and money - - -	1 45
Oct. 25	–	The estate of N. Vick to John Lane Dr. to 7 months' hire of Nick at $16 per month - - -	112 00
Oct. 25	–	The estate of N. Vick to John Lane Dr. for attending to Open Woods farm - - - -	500 00
28	104	Officers of orphans' court fees -	7 60
			$8,003 02
		To balance due administrator -	$182 77

The estate of N. Vick to John Lane, administrator. CR.

1821.	Nos.		
Sept. 30	–	By cash received from W. B. Vick -	$30 84
Dec. 29	110	By nett proceeds of 22 bales of cotton	1,479 89
1822.			
Feb. 14	111	By nett proceeds of 61 bales of cotton	4,193 94
May 31	112	By nett proceeds of 13 bales of cotton	677 54
31	113	By balance of 81 bales of cotton to this amount - - - -	1,385 43½
3	114	By this amount - - -	8 41
3	115	By this amount - - -	19 20
4	116	By this amount - - -	18 20
July 15	117	By this amount - - -	3 90
Dec.	86	By freight of 2 tables - -	3 00
			$7,820 25
Oct. 28	–	By balance - - - -	182 77
			8,003 02

And afterwards, to wit, at the January term, 1823, of said orphans' court, the following order was made and entered upon the records thereof, to wit:

Hartwell Vick, one of the executors named in the last will and testament of Newit Vick, deceased, which was proved in October, 1819, made application for letters testamentary thereon, and offered as his securities Levi Mitchell, Andrew Glass, Joseph Templeton, Belfield Wrenn, and Wm. Cochran. And the said Hartwell having made an application of the same nature to the former orphans' court of this county, to wit, at the November term, in 1820; but refusing to comply with the order of the said court to give security for the faithful performance of the trust, letters testamentary were refused him, and John Lane was appointed administrator with the will annexed. And it being the opinion of this court that his refusal to give the security then required was a renunciation of his right to the executorship, it is therefore considered by the court that he take nothing by his motion; whereupon the said Hartwell prayed an appeal to the supreme court of this State, which was granted him upon his entering into bond in the penalty of one hundred dollars, conditioned as the law directs; and thereupon the said Hartwell, together with Robert McClure, his security, entered into bond in the penalty aforesaid, conditioned as aforesaid. Which said bond is in the words and figures, to wit:

$100.] STATE OF MISSISSIPPI, *Warren county, ss:*

Know all men by these presents, that we, Hartwell Vick and Robert McClure, all of the State and county aforesaid, are held and firmly bound unto Henry Maynadier, judge of probate for the county of Warren, and his successors in office, in the sum of one hundred dollars, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 27th day of January, 1823.

The condition of the above obligation is such, that the above bound Hartwell Vick made application for letters testamentary on the estate of Newit Vick, deceased, which was not granted by the court; from which judgment of the court the said Hartwell Vick prayed and obtained an appeal to the supreme court of the State aforesaid. Now, therefore, if the said Hartwell Vick shall prosecute his said appeal to effect, or, in case he fail therein, shall pay and satisfy the costs and condemnation of said court, then the above obligation to be void; else to remain in full force and effect.

HARTWELL VICK, [L. S.]
R. McCLURE. [L. S.]

Signed, sealed, and delivered, in presence of
H. MAYNADIER, *P. C.*

Orphans' Court—April term, 1825.

HARTWELL VICK
vs.
JOHN LANE, administrator.

In pursuance to a decree of the supreme court of the State of Mississippi, affirming the judgment of this court in the above case; it is ordered, that execution issue against Hartwell Vick and his security in the appeal for all costs in the above case.

And at the November term, 1823, of said orphans' court, the following order was made and entered upon the records thereof, to wit:

John Lane, administrator of the estate of Newit Vick, deceased, presented his account, on oath, as and for an annual settlement of said estate, which was received and is recorded, as follows, to wit:

The estate of Newit Vick in account with John Lane, administrator.

	Vch'r.		
1822.	1	Paid the tax for 1822 to this amount -	$94 21
1823.			
Jan. 16	2	Paid Henry Morse this amount -	119 04
16	3	Paid Henry Morse this amount, it being balance due him on the personal estate - - - -	161 51
Mar. 11	4	Paid A. Glass, the sheriff, on account of Hartwell Vick, this amount -	3,116 33
March	5	Paid A. Glass the interest on a draft of $600 for 90 days, this amount -	13 25
Jan. 30	6	Paid Charles Phelps this amount -	243 57
Dec. 20	7	Paid Chalmers & Campbell this am't -	5 31
Jan. 23	8	Paid Reynolds & Ralston this amount	374 92
Feb. 9	9	Paid H. Vick & Co. this amount -	69 46¼
Mar. 11	10	Paid Walcott & Bishop this amount -	39 50
Feb. 28	11	Paid John Sevier this amount -	22 43¼
18	12	Paid C. Henderson this amount -	14 75
1822.			
Nov. 1	–	Paid cash for 2 pairs children's shoes -	1 62½
15	–	Paid 2 cash for 2 gallons fish-oil for gin screws - - - -	2 00
		Do. to Mr. Blanton's Ben for hauling	1 00
1823.		Do. for 1 pair shoes for Mrs. Lane -	2 00
Feb. 18	13	Paid Archibald & Daniel this am't -	450 00
Mar. 10	–	Gave to Miss Nancy Vick - -	10 00
Jan. 28	14	Paid N. Robertson this amount -	52 67
Feb. 4	15	Paid G. Badger this amount - -	56 12½
Mar. 1	–	Paid cash for 1 boy's hat for Newit -	2 50

ACCOUNT—Continued.

1823.	Vo'r		
Mar. 1	–	Paid for one injection pipe - -	$1 50
		Do. expenses at March court - -	3 50
Jan. 29	16	Paid Boyd & Thom this amount -	115 69
Feb. 7	17	Paid Skinner & Grant this amount -	143 52
Jan. 24	18	Paid Daniel Belden this amount -	23 66
		Cash for 2 yards figured *Leno* - -	1 50
		Do. 1 yard plaid - - -	0 50
		Do. 6 yards dress dimity - -	1 80
		Do. 2 vials Bateman's drops -	0 75
27	19	Paid Fields & Morgan this amount -	11 94
Feb. 10	20	Paid William Coleman this amount -	50 00
Mar. 31	21	Paid John Lane this amount - -	55 50
May 6	–	To cash paid Peter Ott for stocking ploughs - - - -	6 00
8	22	Paid T. Simonton - - -	9 62½
	23	Paid Hartwell Vick this amount -	27 50
April 3	24	Paid Chalmers & Campbell this am't -	51 96
		To cash paid for paper and quills -	3 50
		Do. 4 pairs socks -	2 00
		Do. school books -	2 43
		Do. box soap - -	2 50
		Do. 4 pairs stockings -	3 00
		Do. 2 bridles - -	3 00
		Cash to Wm. Vick - - -	0 50
26	25	Paid James J. Higgins this amount -	10 00
	26	Paid Turnbull's negroes in presence of E. D. Walcott this amount - -	23 50
June 7	27	Paid Reuben Newman this amount -	146 55
Feb. 10	28	Paid H. Morse this amount - -	13 37½
May 31	29	Paid Eli Sargent this amount -	50 00
21	30	Do. Wm. McClearey ten dollars for surveying town lots - -	10 00
June 23	31	Paid Levi Mitchell this amount -	28 75
18	32	Paid J. M. Parasot this amount -	6 50
4	–	Paid Peter Ott for work done - -	6 56¼
May 15	33	Paid H. Vick this amount - -	37 50
July 8	34	Paid J. M. Helms this amount -	5 25
Mar. 15	35	Paid A. Marshalck this amount -	5 40
June 23	–	To expense in attending court -	1 12½
		To expenses in going to Natchez on the business of the estate - -	3 00
23	–	To cash paid for medicine - -	1 25
		To postage on several letters - -	1 12½
Sept. 8	–	To expenses in attending court -	3 00
5	–	To cash given Miss L. Vick - -	5 00

ACCOUNT—Continued.

1823.	Vo'r		
Nov. 24	36	To John Lane, Dr. to this amount -	$175 51
Oct. 9	–	Bill of postage - - -	1 59
Nov. 24	37	To John Lane, Dr. to this amonnt -	72 00
	38	Paid Brazell & Murray this amount -	10 00
March 1		To cash paid for 10 bushels oats -	3 00
			$5,994 17
1822.			
Oct. 25	–	To cash due me at last settlement for -	182 77
		For my services in attending to the business of the estate for the last year - - - - -	150 00
			$6,326 94
Nov. 24	39	Probate judge's fees - - -	29 00
			$6,355 94
		The total amount expended $6,355 94	
		The total amount received 5,324 03	
		Balance due J. Lane, adm'r $1,031 89	

The estate of Newit Vick, by Jno. Lane, administrator. Cr.

1823.	Vo'r		
Mar. 31	42	By the nett proceeds of 98 bales of cotton - - - -	$3,946 09
20	43	By this amount received of J. Elmore	94 48
		By the toll of 6 bales of cotton ginned for S. Rogers - - -	20 00
1822.			
Nov. 1	44	By this amount - - -	33 63
April 18	45	By this amount received of H. D. Downs - - - -	15 00
1823.			
May 1	–	By this amount received of W. Davis, on an old note - - -	17 83
			$4,127 03
		Received from the sale of town lots, viz:	
April 8	–	From John Lane, for lots Nos. 78, 70, 44, 42, 20, the whole amount -	575 00

ACCOUNT—Continued.

1823.	No.		
		One year's interest - - -	$46 00
		From Hartwell Vick, on lot No. 92 -	62 00
June 23	–	Of H. Vick, for John Young, on No. 90	25 00
March 9	–	Of Ralph Rogers, on lot No. 86 -	25 00
		Do. do. do. No. 85 -	100 00
April 8	–	Of T. M. Burland, on lot No. 66 -	23 82
March 8	–	Of Samuel Rogers, on lot No. 64 -	75 00
		11 months' interest - - -	5 00
Feb. 8	–	Of Levi Rogers, on lots Nos. 35 and 36	45 75
		10 month's interest - - -	3 20
		Joseph Rogers, on lots Nos. 32 and 33	86 00
		10 months' interest - - -	5 73
April 20	–	Wm. McCleary, on lot No. 62 -	31 50
8	–	Henry Tomlinson, lot No. 22 -	15 00
		12 months' interest - - -	1 20
		Washington Cook, on lots Nos. 8 and 54	34 00
		12 months' interest - - -	2 72
		Reuben Newman, on lot No. 52 -	32 50
		12 months' interest - - -	2 60
		Amount of town lots, $1,197 02 -	1,197 02
		Total amount received -	$5,324 03

And afterwards, to wit, at the March term, 1826, of the said orphans' court, the following order was made and entered upon the records thereof, to wit: John Lane, administrator, with the will annexed, of Newit Vick, deceased, returned on oath an account of the sales of the real estate of said decedent, which was received and ordered to be recorded, and is in the words and figures following, to wit:

The following is a true account of the sales of all the lots that have been sold in Vicksburg:

1822.	No.	Square.		
April 8	92	16	Purchased by Hartwell Vick, at -	$250
	90	16	John Young -	105
	88	15	John Lane -	210
	86	15	Ralph Regum -	100
	84	13	John Lane -	310
	78	12	William Rushing -	110
	76	11	Jno. Jenkins -	150
	74	11	Francis B. Young -	120
	72	10	John Demoss -	175
	70	10	William Rushing -	125

ACCOUNT—Continued.

1822.	No.	Square.		
	68	9	Purchased by Joseph Templeton	$145
	66	9	Thomas M. Burland	149
	63	9	Samuel Rogers -	300
	64	9	William McCleary	170
	60	10	Henry Morse -	160
	54	11	Washington N. Cook	101
	52	12	Reuben Newman -	130
	44	6	William Rushing -	115
	42	6	William Rushing -	115
	38	7	Francis B. Young -	90
	36	8	Levi Rogers -	123
	35	8	Levi Rogers -	60
	33	8	Joshua Rogers -	178
	32	8	Joshua Rogers -	166
			Carried over - -	$3,657
			Amount brought over -	$3,657
	30	8	Purchased by John Demoss -	80
	28	7	Peter Vandom -	60
	25	7	John Wesley Vick	102
	8	2	Washington N. Cook	35
	22	6	Henry Tomlinson -	60
	20	5	Wm. Rushing -	110
			Public sale - -	$4,104
1823.				
May 23	189	–	Purchased by H. Vick - -	$280
	190	–	John Lane - -	315
	192	–	William B. Cook -	310
	191	–	Jordan Gibson -	306
	96	16	Jordan Paine -	180
	98	15	Joseph Miller -	136
	82	13	George Bedford -	202
	75	11	Jordan Gibson -	210
	71	10	William Bacon -	251
	89	16	Levi Time - -	260
	61	9	James G. Lyon -	300
	57	10	Elisha W. Morris -	156
	51	12	Foster Cook -	125
	50	12	Foster Cook -	75
	49	12	Reuben Newman -	100
	132	22	Joseph Templeton -	82
	130	22	James M. Stotts -	58
			Amount carried forward -	$3,646

ACCOUNT—Continued.

1823.	No.	Square.		
			Amount brought forward -	$3,646
	46	5	Purchased by R. R. Trip -	120
	40	7	John H. Hines -	141
	29	8	Harrison Cook -	176
	5	2	R. R. Trip -	140
	6	2	W. W. Osborne -	70
	27	7	Wm. Hull - -	133
	21	6	George Bedford -	149
	19	5	Hartwell Vick -	83
				$4,650
			The following lots were sold at private sale :	
	67	9	To Wm. B. Cook, at - -	$175
	37	7	Abraham and Jordan Prime -	320
	45	5		
	13		George Wyche - -	200
	14	4		
	15			
	4	1	R. R. Trip - - -	150
	31	8	F. Maynard - - -	150
	43	6	Cook & Wyche - -	200
	85	15	Ralph Regan - -	100
	91	16	Wm. H. Gannoy - -	250
	193	–	Vick & Rogers - -	300
			Private sale - - -	$1,845
1822.				
April 8	–	–	Public sale - - -	4,104
1823.				
May 22	–	–	Do. - - -	4,658
			Total amount carried over -	10,607
			Total amount brought over -	10,607

H. Vick paid on lots Nos. 92 and 90 $87
S. Rogers, on lot No. 64 - 75
$162

The balance on these lots, together with lots Nos. 193 and 189, amounting to $1,073 - - - - is deducted from the whole amount, as the lots were relinquished by the heirs of Hartwell Vick. 1,073

$9,534

Total amount, nine thousand five hundred and thirty-four dollars.

Lots Nos. 1 and 2, in square 1; No. 9 and 9, in [square] 3, were sold by Parson Vick in his lifetime.

JOHN LANE,
Adm'r of the estate of N. Vick with will annexed.

And afterwards, to wit, at the August term, 1829, of the county and probate court of said county, the following order was made and entered upon the records thereof, to wit:

John Lane, adm'r de bonis non of the estate of Newit Vick, deceased, this day returned under oath his final account with said estate, which was received by the court, examined, allowed, and ordered to record, and the administrator discharged.

Which said account is in the words and figures following, to wit:

The estate of Newit Vick in account with John Lane, administrator.

To this amt. paid out as pr. *As.* in 1822 - -		$8,003	73¼
1823 - -		6,023	17
1824 - -		6,579	25½
1826 - -		8,213	87
1827 - -		6,002	55
	$34,822	57¾	
No. 1, To this amt. paid J. W. Vick - -	17	16	
2, R. Featherston - -	5		
3, D. A. Sayre - -	137		
4, To two small negro coffins - -	4		
paid Mark & Fred for ginning - -	2		
4, To this amt. paid W. H. Benton - -	7	37	
5, W. B. Vick - -	14		
J. W. Joher for attending to the open woods	12		
7, Joseph Hough - -	319	52	
8, R. A. Irion - -	33	75	
9, " - -	100		
10, W. W. Blanton -	46	42½	
11, Saml. Mason - -	51		
12, J. Henderson - -	253	81	
13, B. Wrenn - -	232	74½	
Tax for 1826 - - - -	145		
Paid D. Wood use of E. Turner on something more than this voucher, I have not got, but may be seen in the clerk's office in Claiborne county - -	2,500	00	
Total amount paid out - -	$38,704	16	

ACCOUNT—Continued.

Cr.	
Amt. received as per settlement in 1822 - -	$7,820 00
1823 - -	5,324 05
1824 - -	7,535 33
1826 - -	8,522 01
1827 - -	6,973 91½
	$36,175 65½
By nett proceeds of 10 bales of cotton - -	452 30
By land rent for 1826 - - - -	399 50
Rec'd from the estate of F. Knowland - -	90
Rec'd from Major B. Vick - - - -	216 20
From Mrs. Irion - - - - -	40 00
	$37,373 65½
Rec'd from sundry of the heirs to this amt. -	2,570 16
Total amount rec'd - - - -	$39,943 81½
Amt. brot. forward - - - -	$38,704 16
Commissions - - - - -	1,785 75
	40,489 91
	39,943 81
Balance due adm'r - - - -	$546 10
To 5 pr. cent. allowed the administrator on the appraised value of the estate $35,715 07, amounting to - - - - - -	$1,785 75

Vouchers.

Rec'd of John Lane, adm'r of the estate of N. Vick, as guardian of N. H. Vick, the following property, to wit:

Peter	$500
Sarah	350
Dolly	450
Christian	275
George	260
Malinda	150
Anarchy	100
Nelson	230
To cash	20

$2,325—likewise his proportion of the town lots.

R. A. IRION.

Feb'ry 19th, 1828.

Rec'd of John Lane, adm'r of the estate of N. Vick, the following property, as my part of the estate, to wit:

Mark, a negro man	$600	
Milly and child	550	
Alexander	300	
Nat	250	
Lucy	100	
Little Mark	300	
		$2,100
Overplus - -		40 10
		$2,059 90—and my

proportion of the town lots.

R. A. IRION.

Feb'y 19, 1828.

Rec'd of John Lane, adm'r of the estate of Newit Vick, dec'd, my part, both real and personal, of said estate.

MARTHA VICK.

February 20th, 1829.

Rec'd of John Lane, adm'r of the estate of Newit Vick, deceased, my proportional part of the real and personal estate of my father.

LUCY W. VICK.

Feb'y 20th, 1829.

Rec'd of John Lane, adm'r of the estate of N. Vick, my part of said estate, to wit, the following negroes: Willis, Nelly, Minta, Little Bill, Jesse, Mary, and all the stock, and also my part of the town lots and land.

J. W. VICK.

April 29th, 1829.

Rec'd, May 5th, 1829, of John Lane, adm'r of the estate of Newit Vick, deceased, two hundred and fifty-three dollars eighty-one cents, on account of my share of the proceeds of said estate, in right of my wife, Mary T. Henderson.

$253 81 JOHN HENDERSON.

Rec'd of John Lane, adm'r of the estate of N. Vick, as guardian of William Vick, his land, his part of the town lots, and the following servants: Jacob, Fanny, Big Bill, Becky, Dick, Monday, Sukey.

As guardian of Matilda Vick, her part of the town lots and negroes, to wit: *Cofee*, Israel, Frank, Violet, Minna, and Fred.

As guardian of Amanda Vick, her part of the town lots and negroes, Arch, Jinney, Harriett, Little Sam, Cato, and Rolin.

Due William for his part of the stock - - - $385
Due Matilda - - - - - - $185
Due Amanda - - - - - - $235

J. W. VICK, *Guard'n.*

April 27th, 1827.

THE STATE OF MISSISSIPPI, *Warren county, ss:*

I, Edward B. Scarborough, clerk of the probate court of said county, do hereby certify that the foregoing orders of court, &c., as set down on the annexed and preceding twenty-one leaves, (written upon but one side,) have been correctly copied from the records and proceedings of the orphans' court of said county—the records and proceedings of which said court are in my possession as clerk aforesaid.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Vicksburg, this 19th day of June, 1819. [L. s.]

E. B. SCARBOROUGH, *Clk.*
Per CHS. BOWYER, *D. C.*

Fees $14 00.

(Exhibit marked *B*, referred to in the bill as "Exhibit marked *A.*")

THE STATE OF MISSISSIPPI, *Warren County.*

Be it remembered, that heretofore, to wit, on Saturday, the 8th day of September, in the year of our Lord eighteen hundred and twenty-one, at a superior court held for said county—present the honorable Louis Winston, judge of said court—the following order was entered of record on the minutes of said court, to wit:

JOHN LANE, appellant,
vs.
THE COUNTY COURT, appellee. } Appeal.

It appearing to the court that Willis B. Vick, executor of the last will and testament of Newitt Vick, deceased, is incapable and evidently unsuitable to discharge the trust reposed in him; it is therefore ordered, that the said Willis B. Vick, executor as aforesaid, be discharged from the trust heretofore reposed in him, and this decision is ordered to be certified to the county court, and made a part of the records of the same.

In testimony whereof, and that the foregoing order is truly copied from the minutes and proceedings of said court on record in my office, I, Robert Garland, clerk of the circuit court of said county, and keeper of the records, papers, and books of the said superior court, hereunto set my hand and affix the seal of said circuit court, this 14th day of November, A. D. 1836. [L, s.]

R. GARLAND, *Clk.*

I, Robert Garland, clerk of the circuit court of Warren county, do certify that I have diligently and carefully examined the book containing the minutes and proceedings of said superior court, and from which the foregoing order is copied, commencing at a superior court begun and held for said county on the 6th day of September, 1819, and concluding at a term of said court begun and held on the 9th day of September, 1822; and that the said minutes and proceedings of said superior court, as contained in said book, are nowhere signed by the judge presiding and holding said court.

I do also further certify, as clerk aforesaid, that I have carefully and diligently examined the books containing the minutes and proceedings of said superior court, as far back from said September term, 1819, as to 1810, and that none of the books containing the minutes and proceedings of said superior court appear to have been signed by the judge presiding in said court during that period.

In witness whereof, I, the said Robert Garland, clerk as [L. S.] aforesaid, hereunto set my hand and seal of said court, this 14th day of November, 1836.

R. GARLAND, *Clk.*

STATE OF MISSISSIPPI, *Warren county.*

County court, July term, 1821.

Willis B. Vick, executor of the last will and testament of Newitt Vick, deceased, petitioned this court to discharge him from the further execution of the will aforesaid; but the court *being* of opinion that the said executor could not by law be discharged from the trust aforesaid; whereupon John Lane, one of the representatives of the said deceased, moved the court that the above order be transferred to the next superior court of this county for argument and decision, which was assented to by the court.

(Signed) Att: B. WRENN, *Clk.*

Endorsed:

"JOHN LANE, vs. THE COUNTY COURT. } Appeal.

Judgment—Costs taxed."

THE STATE OF MISSISSIPPI, *Warren county.*

I, Robert Garland, clerk of the circuit court of Warren county, in said State, do hereby certify that the foregoing is a true copy from the original paper and endorsements thereon made, now remaining in my office, and which by me was found therein, in one of the bundles of papers containing judgments and dismissions of cases determined and disposed of at the September term of the superior court of said county, in the year 1821, and which original

paper is in the handwriting of B. Wrenn. Doubting whether I could officially certify the said original paper as being a part of the record of the before stated case of John Lane, appellant, vs. the County Court, appellee, (the same having no endorsement thereon, when filed or lodged, and not being noticed or referred to in the orders or minutes of said superior court, held at said September term, 1821,) at the request of Messrs. Holt & Prentiss, I have certified a copy of the said original paper in the above form.

In testimony whereof, I, the said Robert Garland, have [L. S.] hereto set my hand and affixed the seal of said court, this 15th day of November, 1836.

R. GARLAND, *Clk.*

It is agreed by J. Holt, counsel for complainants, and S. S. Prentiss, attorney for defendants, that the above certificates of Robert Garland, clerk of Warren circuit court, shall be received, on the part of complainants, as evidence of the facts so certified; and both the above papers purporting to be records of Warren circuit court, (if considered by the court as records,) shall be admitted as such on the part of complainants in evidence, upon the trial of this case—if, as records, they are considered competent evidence.

S. S. PRENTISS, *Att'y for defts.*
J. HOLT, *Att'y for Complts.*

Exhibit B.

This indenture, made and entered into this first day of November, in the year of our Lord one thousand eight hundred and thirty-one, between John Westley Vick, of the county of Warren, and State of Mississippi, of the one part, and Nicholas H. Rappleye, of the same county and State, of the other part, witnesseth, that the said John W. Vick, and Vick, his wife, for and in consideration of the sum of two thousand dollars, current money in hand paid, the receipt whereof they do hereby acknowledge, have this day granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said Nicholas H. Rappleye, his heirs and assigns forever, a certain lot or parcel of land situate, lying, and being in the county of Warren aforesaid, and on the west side of the town of Vicksburg; beginning at the northwestern corner of said town, near Glass Bayou; thence along the line of the front lots on Washington and Levee streets, being the streets nearest to the river, to the southern boundary of the town; thence west to the Mississippi river, and up the same with its meanders to a point due west of the beginning; thence east to the beginning, being all the land embraced between the said front streets nearest to, and running almost parallel with the Mississippi river, and the said river; saving and excepting however out of this deed, the whole of lots No. 189, No. 190, and No. 193, and also all that portion which is in the deed of the

said John W. Vick and others, to Hartwell Vick and his children, dated 27th April, 1829, and of record in the clerk's office of Warren county; the said tract above described, excepting as aforesaid, and all manner of rights, franchises, and privileges appertaining thereto, together with all and singular the premises and appurtenances thereto belonging, or in any wise appertaining, to have and to hold the land, premises, by the deed conveyed unto the said Nicholas H. Rappleye, his heirs and assigns forever; and the said John Westley Vick, for himself, his heirs, executors, administrators, &c., doth by these presents, covenant to warrant and defend the right to the said lot and premises by this deed conveyed unto the said N. H. Rappleye, his heirs and assigns forever, against the claim of the said John W. Vick, and the heirs and representatives of Newitt Vick, deceased, except the said Hartwell and children as to the portion aforesaid, and all persons claiming by, through, or under them, and against no other person or persons whatsoever; the said John W. Vick, intending to warrant against Newitt Vick's representatives, (except as aforesaid,) only and not against the claim of the corporation of Vicksburg, or others claiming title through different persons.

In testimony whereof, they have hereunto set their hands and affixed their seals, the day and date above written.

J. W. VICK, [SEAL.]
A. M. VICK, [SEAL.]

The words dated 27th April, 1829, and of record in the clerk's office of Warren county, interlined before signing.

STATE OF MISSISSIPPI, *Warren county, ss:*

Personally appeared before me, a justice of the peace, the above named John Westley Vick, and A. M. Vick, his wife, who acknowledged that they signed, sealed, and delivered the foregoing deed on the day and year therein mentioned as their act and deed, and the said A. M. Vick, being by me examined separate and apart from her husband, declares that she did so voluntarily, freely, and without any fears, threats, or compulsion of her said husband.

Given under my hand and seal this first day of November, 1831.

JAMES CORNELL, *J. P.* [SEAL.]

Received for record the 23d day of November, 1831, and truly recorded at .

E. G. COOK, *Clerk.*

THE STATE OF MISSISSIPPI, *Warren county, ss:*

I, Edward B. Scarborough, clerk of the probate court of said county, do hereby certify, that the foregoing deed and certificates have been correctly copied from book F, pages 87 and 88, of the record of deeds in my office.

Given under my hand and seal of office, this 14th day of
[L. S.] May, 1838.

ED. B. SCARBOROUGH, *Clerk.*

Exhibit C.

This indenture, made and entered into this first day of March, in the year of our Lord one thousand eight hundred and thirty-six, between Nicholas H. Rappleye and Matilda his wife, of the county of Warren, and State of Mississippi, of the first part, and William S. Bodley and Jilson P. Harrison, of the second part, witnesseth: that the said Nicholas H. Rappleye, and his said wife, for and in consideration of the sum of six hundred and sixty-six $\frac{66}{100}$ dollars, to them in hand paid by the said Bodley and Harrison, at and before the sealing and delivering of these presents, the receipt whereof is hereby acknowledged, have this day granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said William S. Bodley and Jilson P. Harrison, and to their heirs and assigns forever, one undivided third part of that tract of land situate, lying, and being in the town of Vicksburg, known as that strip of land situate between the front streets of said town and the Mississippi; beginning at the northwest corner of said town, at or near Glass Bayou; thence running along the line of the front lots on Washington street and Levee street, being the nearest the river to the south boundary of said town; thence west to the Mississippi river; thence up the same, with its meanderings, to a point due west of the beginning; thence east to the beginning, it being all the land embraced between the said front streets nearest to, and running almost parallel with the river, and the river; saving and excepting therefrom, the whole of lots No. 189, 190, and 93, and all that portion of land which is embraced in the deed of John W. Vick and others, to Hartwell Vick and his children, dated 27th day of April, 1829, and of record in the clerk's office of said county, together with all manner of rights, franchises, and privileges pertaining thereto, and all and singular the premises and appurtenances thereunto belonging, or in any wise appertaining, to have and to hold to the said William S. Bodley and Jilson P. Harrison, and to their heirs and assigns, all the foregoing described land and premises in fee simple forever; and the said Nicholas H. Rappleye, and his wife, for themselves, their heirs, executors, and administrators, by these presents, covenant, promise, and agree, to and with the said Bodley and Harrison, and their heirs, executors, and administrators, that they will, and their heirs, executors, and administrators shall, forever warrant and defend the title to the said granted land and premises, against the claim or claims of all and every person and persons whosoever, both at law and in equity, claiming or to claim, by, through, or under them; but by or through no other persons whatsoever.

In testimony whereof, the said parties of the first part have hereunto set their hands and seals, the day and date first above written.

N. H. RAPPLEYE, [SEAL.]
MATILDA RAPPLEYE. [SEAL.]

THE STATE OF MISSISSIPPI, *Warren county, ss:*

Personally appeared before me, William Everett, a justice of the peace in and for said county, the within named Nicholas H. Rappleye, who acknowledged that he signed, sealed, and delivered the within deed to Bodley & Harrison, as his act and deed, for the purposes therein contained; and also, at the same time, wife Matilda Rappleye, who being examined by me, privately and apart from her said husband, acknowledged that she signed, sealed, and delivered the same, as her voluntary act and deed freely, without any fear, threats, or compulsion of her said husband.

Given under my hand and seal, this third day of March, 1836.

WM. EVERETT, *J. P.* [SEAL.]

STATE OF MISSISSIPPI, *Warren county:*

I, Elbridge G. Walker, clerk of the probate court of said county, do hereby certify that the foregoing deed was filed in my office for record, on March 11th, 1836, and the same is truly recorded in book H, pages 170 and 171, this 12th day of March, 1836.

Teste: E. G. WALKER, *Clerk.*

THE STATE OF MISSISSIPPI, *Warren county, ss:*

I, Edward B. Scarborough, clerk of the probate court of Warren county, do hereby certify that the foregoing deed and certificate have been correctly copied from book H, pages 170 and 171, of the records of deeds in my office.

Given under my hand and seal of office, this 18th day of
[L. S.] May, 1838.

ED. B. SCARBOROUGH, *Clerk.*

Exhibit D.

Know all men by these presents: That we, Nicholas H. Rappleye, and Matilda Rappleye his wife, for and in consideration of the professional services of John J. Guion, as an attorney and counsellor at law, already rendered and to be rendered in a certain suit pending in the court of chancery of the State of Mississippi, wherein the corporation of the town of Vicksburg are complainants, and claims as commons appendant to said town, a certain tract of land lying on the east bank of the river Mississippi adjoining said town, and the said Rappleye, Wm. M. Pinckard, and others, are defendants; and of the further consideration of ten dollars to us in hand paid by said John J. Guion, have given, granted, sold, released, and forever quit claim, and by these presents do forever quit claim, and release and assign, unto the said John J. Guion, his heirs and assigns, forever, one undivided sixth part of all that tract or parcel of land situate, lying, and being in the county of Warren, and State aforesaid, known and described as follows: Beginning at the northwestern corner of the town of Vicksburg, near Glass bayou; thence

along the line of the front lots on Washington and Levee, being the streets nearest to the river, to the southern boundary of the town; thence west to the Mississippi river, and up the same, with its meanders, to a point due west from the beginning; thence east, to the place of beginning; being all the lands embraced between the front streets aforesaid, nearest to and running almost parallel with the Mississippi river and the said town; saving and excepting, however, out of this deed, the whole of lots Nos. 189, 190, and 193, and also all that portion which is embraced in the deed of John W. Vick and others to Hartwell Vick, dated 27th April, 1829, and of record in the clerk's office in Warren county: to have and to hold the said undivided sixth part of said tracts of land to the said John J. Guion, his heirs and assigns, forever.

Given under our hands and seals, this thirtieth day of June, 1834.

NICHOLAS H. RAPPLEYE, [SEAL.]
MATILDA RAPPLEYE. [SEAL.]

THE STATE OF MISSISSIPPI, *Warren county, ss:*

Personally appeared before the undersigned, justice of the peace in and for the county of Warren, the within named Nicholas H. Rappleye, and Matilda his wife, who severally acknowledged that they signed, sealed, and delivered the foregoing instrument as their act and deed, on the day and year and for the purposes therein mentioned; and the said Matilda, being by me examined separate and apart from her said husband, acknowledged that she executed said deed voluntarily, and without any fear, threats, or compulsion of her said husband.

Given under my hand and seal, this 30th day of June, 1834.

JAMES CORNELL, [SEAL.]
Justice of the Peace.

STATE OF MISSISSIPPI, *Warren county:*

I, Elbridge G. Walker, clerk of the probate court of said county, do certify that the foregoing deed was filed in my office for record, on March 9th, 1836, and the same is truly recorded in book H, page 167, this 11th day of March, 1836.

Teste: E. G. WALKER, *Clerk.*

THE STATE OF MISSISSIPPI, *Warren county, ss:*

I, Edward B. Scarborough, clerk of the probate court of said county, do hereby certify that the foregoing deed and certificate have been correctly copied from book H, page 167, of the records of deeds in my office.

Given under my hand and seal of office, this 18th day
[L. S.] of May, 1838.

ED. B. SCARBOROUGH, *Clerk.*

Exhibit E.

Know all men by these presents: That I, Nicholas H. Rappleye, of Vicksburg, State of Mississippi, for and in consideration of the sum [of] thirteen hundred dollars to me in hand paid by S. S. Prentiss, the receipt whereof is hereby acknowledged, have bargained, granted, sold, and conveyed, and by these presents do bargain, grant, sell, and convey to said S. S. Prentiss, one undivided sixth part of all that tract or parcel of land lying and being between the front streets of Vicksburg and the Mississippi river, known by the designation and title of the "Commons;" being the same tract purchased by said Rappleye of John Vick, by deed dated 1st November, 1831: to have and to hold the said land, and all appurtenances, to the said Prentiss, his heirs and assigns, forever; and I hereby convey to said Prentiss, for the consideration aforesaid, all my right, title, and interest to said tract of land called "Commons," and will warrant and defend the said Prentiss in the same against my heirs, executors, and all persons claiming through or under me, but against no other person or claim.

In testimony whereof, I have hereunto set my hand and seal, this day September, A. D. 1835.

N. H. RAPPLEYE. [SEAL.]

Signed, sealed, and delivered in presence of—
Teste: JOHN J. GUION.

STATE OF MISSISSIPPI, *Warren county, ss:*

Personally appeared before me, William Everett, a justice of the peace in and for said county of Warren, and State aforesaid, the above named John J. Guion, the subscribing witness to the annexed and foregoing deed, who, being first duly sworn, deposes and says, that he saw the above named N. H. Rappleye, whose name is subscribed thereto, sign, seal, and deliver the same, to the above named S. S. Prentiss; that he, this deponent, subscribed his name as a witness thereto, in the presence of said N. H. Rappleye, on the day and year therein named.

Given under my hand and seal, this 23d October, 1835.

WILLIAM EVERETT, [L. S.]
Justice of the Peace.

Filed for record on the 23d day of October, 1835, and the same is truly recorded in book G, pages 743 and 744.

Attest: E. G. WALKER, *Clerk.*

THE STATE OF MISSISSIPPI, *Warren county, ss:*

I, Edward B. Scarborough, clerk of the probate court of said county, do hereby certify, that the foregoing deed and certificates have been correctly copied from book G, pages 743 and 744, of the records of deeds in my office.

[REC. LXXXII, J. T. 1843.]—5

[L. S.] Given under my hand and seal of office, this 18th day of May, 1838.

ED. B SCARBOROUGH, *Clerk.*

And thereupon, on the sixteenth day of October, in the year of our Lord one thousand eight hundred and thirty-eight, the following process of subpœna in chancery issued from the clerk's office of the court aforesaid, which, together with the marshal's return thereon, is in the words and figures following, to wit:

UNITED STATES, *Southern District of Mississippi, ss:*

The President of the United States, to the marshal of the southern district of Mississippi, greeting:

We command you, without delay, to summon Elizabeth Brodnax, Henry Vick, Charles Vick, Elizabeth Henderson, Frances Emily Henderson, William Henderson, Henry Morse and Eliza Morse his wife, John L. Irwin, Lucy W. Irwin his wife, John W. Vick, William Vick, Amanda McCray, William V. McCray, Matilda McCray, Samuel McCray, Martha Vick, Charles K. Marshall and Amanda his wife, Newit H. Vick, William S. Bodley, Jilson P. Harrison, John J. Guion, Nicholas H. Rappleye, Sargeant S. Prentiss, Harvey Jenkins, Claiborne Steele, John Stinson, David Snodgrass, President, Directors and Company of the Commercial and Railroad Bank of Vicksburg, citizens of the southern district of the State of Mississippi, that they be and appear before the circuit court of the United States, in chancery sitting, to be held at the town of Jackson, in and for the said southern district of Mississippi, on the first Monday of November next, to answer to a certain bill of complaint exhibited against them in the said court, on the chancery side thereof, by John Lane and Sarah C. Lane his wife, citizens of the State of Louisiana, and Elizabeth Irion, a citizen of the State of Tennessee, and this they shall in no wise omit. And have then there this writ.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, the sixteenth day of [L. S.] October, A. D. 1838, and of the independence of the United States the 63d.

WM. BURNS, *Clerk.*

(*Marshal's return.*)

Executed on S. S. Prentiss, J. J. Guion, J. Stinson, J. P. Harrison, [and] on the Commercial and Railroad Bank, Oct. 25th, 1838.

W. M. GWIN, *Marshal.*
per B. EMORY, *Deputy.*

And afterwards, to wit: on the 26th day of October, A. D. 1839, came the defendants, Newit Vick, by John W. Vick, his guardian, Emily and Martha Vick, and filed, in the clerk's office of said court, their answers to the aforesaid bill of complaint, in the words and figures following, to wit:

The answer of Newit Vick, an infant, by John W. Vick, his guardian, appointed for that purpose, to a bill of *complainant*, exhibited against him and others by John Lane and wife, and Elizabeth Irion, in the United States circuit court, ninth circuit, Mississippi district. The respondent says, he is one of the sons of Newit Vick, deceased, that his mother was at the point of death when his father died, and she died in about ten minutes thereafter, never having made choice of her future residence; and, in fact, she was incapable of doing it. He admits the other statements of the bill. He asks for a partition and division of the lots, parts of lots, Commons, and Levee street, among the several claimants, according to the nature and extent of them as heirs, and also under the will of Newit Vick. And he prays for an account of the rents and profits, and that he may be put into possession of whatever part may be allotted to him; he prays for all such relief as to justice, and the nature of the case, he may be entitled to.

NEWIT VICK.

Endorsed.—"To be put in without oath."

The joint answer of Emily Vick and Martha Vick to a bill of *complainant*, exhibited against them and others, by Elizabeth Irion and others, in the United States circuit court, ninth circuit, Mississippi district. These defendants saving, &c., admit the statements contained in said bill are true, and they pray for a division and partition of the lots, parts of lots, Commons, and Levee street, therein referred to; and that their respective parts be allotted to them severally, and they put into possession thereof. They pray that their co-defendants, who claim under John W. Vick and William Vick, account for the rents and profits of said ground. They finally ask for all relief which their case may require.

EMILY VICK,
MARTHA VICK.

Endorsed.—"To be filed by consent of complainants, without oath."

And afterwards, to wit, at a circuit court of the United States, held in and for the southern district of Mississippi, at the town of Jackson, on the first Monday of November, A. D. 1839, until which time this cause was regularly continued, came the defendants, Sargeant S. Prentiss, William S. Bodley, John J. Guion, Jilson P. Harrison, Claiborne Steele, John Stinson, David Snodgrass, and the President and Directors of the Commercial and Railroad Bank of Vicksburg, by Geo. S. & J. S. Yergers, their solicitors, and filed their demurrer to the said bill of complaint, in the words and figures following, to wit:

The said defendants, Sargeant S. Prentiss, William S. Bodley, John J. Guion, Jilson P. Harrison, Claiborne Steele, John Stinson,

David Snodgrass, and the president and directors of the Commercial and Railroad Bank of Vicksburg, by protestation not confessing all or any of the matters and things in the said complainants' bill contained to be true, in such manner and form as the same are therein set forth and alleged, do demur to the said bill, and for causes of demurrer show that the said complainants have not, as to these defendants, made such a case as entitles them in a court of equity to any discovery from any or either of these defendants, or to any relief against them, as to the matters contained in the said bill, or any of such matters. Wherefore, and for divers other good causes of demurrer appearing in the said bill, these defendants do demur thereto, and for causes of demurrer say:

1st. That the complainants' said bill of complaint, as against these defendants, contains not any matter of equity whereon the court can ground any decree or give the complainants any relief or assistance as against them, these defendants.

2d. The complainants have not shown, in and by their said bill, that they have any right, title, claim, or interest in and to the land alleged to be purchased by these defendants, and of which complainants seek a partition.

The said defendants therefore pray the judgment of this honorable court, whether they shall be compelled to make any further and other answer to the said bill; and they respectfully pray to be dismissed from hence, with their reasonable costs in this behalf sustained, &c.

GEO. S. & J. S. YERGERS,
Solicitors for the above named defendants.

Joinder in demurrer in short by consent.

HARDIN & HOLT,
Solicitors for complainants.

And thereupon the cause was continued.

And now, at this time, to wit, at a circuit court held as first aforesaid, to wit, on the first day of June, in the year of our Lord one thousand eight hundred and forty-two, until which time this cause was regularly continued:

This cause having been set down for hearing on bill, exhibits, answers of part of defendants, and demurrer of the other defendants; and the court, being now sufficiently advised thereof, doth order, adjudge, and decree that the demurrer herein be, and the same is hereby, sustained. It is further ordered and decreed, that the bill of complainants be, and the same is hereby, dismissed, and that complainants pay to defendants their costs herein expended.

(Signed,) J. McKINLEY.

June 1, 1842.

Afterwards, to wit, on the 13th day of September, A. D. 1842, the complainants filed in the clerk's office of said court the following

petition to, and fiat of, the honorable John McKinley, presiding judge, granting an appeal from said decree to the Supreme Court of the United States; which petition and fiat are in the words and figures following, to wit:

To the honorable John McKinley, one of the judges of the Supreme Court of the United States:

Your petitioners, John Lane and Sarah Lane his wife, and Elizabeth Irion, an infant under the age of twenty-one years, suing by her next friend, the said John Lane, would respectfully represent: That, at the late May term, 1842, of the circuit court of the United States for the southern district of Mississippi, in a certain suit in chancery in said court pending, in which your petitioners were complainants, and Sargent S. Prentiss, John J. Guion, Jilson P. Harrison, Claiborne Steele, William S. Bodley, Newit Vick, the president, directors, and company of the Commercial and Railroad Bank of Vicksburg, and others, were defendants, it was ordered and decreed that the bill of your petitioners in said suit should be absolutely dismissed, and that your petitioners should pay the costs of said suit. Your petitioners respectfully represent to your honor that the amount in controversy in said suit exceeds the sum of two thousand dollars, and that in said decree great error hath intervened to their prejudice. Wherefore they are desirous of having said decree revised and reversed by the Supreme Court of the United States.

To which end they pray that your honor will grant them an appeal from the said decree to the said Supreme Court of the United States, as authorized by the act of Congress in such case made and provided. And they will ever pray, &c.

JOHN LANE,
SARAH LANE,
ELIZABETH IRION,
By her next friend, John Lane.
By HARDIN & HOLT,
Solicitors for complainants.

The appeal prayed for in the foregoing petition is granted, upon the complainant, John Lane, entering into bond according to law with John W. Vick and William Vick, or either of them, their sureties. September 5th, 1842.

J. McKINLEY,
One of the associate justices of the Supreme Court of the United States.

Which said appeal bond is in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Southern district of Mississippi, sct:

Know all men by these presents, that we, John Lane and wife, and Elizabeth Irion, an infant, by said John Lane, her next friend, and William Vick, are held and firmly bound unto Elizabeth Broadnax, Henry Vick, Charles Vick, Elizabeth Henderson, Frances Emily Henderson, William Henderson, Henry Morse and wife, John L. Irwin and wife, John W. Vick, William Vick, Amanda McCray, William V. McCray, Matilda McCray, Samuel McCray, Martha Vick, Charles K. Marshall and wife, Newit H. Vick, William S. Bodley, Jilson P. Harrison, John J. Guion, N. H. Rappleye, Sargeant S. Prentiss, Harvey Jenkins, Claiborne Steele, John Stinson, David Snodgrass, and the president, directors, and company of the Commercial and Railroad Bank of Vicksburg, in the just and full sum of two thousand dollars, lawful money of the United States, to be paid to the said defendants before and above named, their executors, administrators, or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated the 30th day of September, A. D. 1842.

The condition of this obligation is such, that whereas the above bound John Lane and wife, and Elizabeth Irion, have obtained from the Hon. John McKinley, one of the judges of the circuit court of the United States for the southern district of Mississippi, an appeal from a certain decree in said court against the said John Lane and wife, and Elizabeth Irion, in a suit in chancery in said court wherein they were complainants, against the said defendants above named, sustaining defendants' demurrer, and dismissing the bill, with costs, to the Supreme Court of the United States.

Now, if the said John Lane and wife, and said Lane as next friend as aforesaid, shall prosecute said appeal with effect, and if cast therein shall well and truly pay all costs due and to become due to the said defendants above named, as shall be awarded against them, then this obligation to be void; otherwise to be and remain in full force and virtue.

JOHN LANE, [L. S.]
ELIZABETH IRION, [L. S.]
By her next friend, John Lane.
WM. VICK. [L. S.]

UNITED STATES OF AMERICA,
Southern district of Mississippi, } *Circuit court U. S:*

I, William H. Brown, clerk of said court, do hereby certify that the foregoing pages contain as full, true, and complete a transcript of the record of the case therein named as the same now remains of record in my office.

In testimony whereof I have hereunto set my hand and [L. S.] affixed the seal of said court, this 15th day of October, A. D. 1842.

W. H. BROWN, *Clerk.*

UNITED STATES OF AMERICA, *ss:*

To Elizabeth Broadnax, Henry Vick, Charles Vick, Elizabeth Henderson, Frances Emily Henderson, William Henderson, Henry Morse and Eliza his wife, John L. Irwin and Lucy W. his wife, John W. Vick, William Vick, Amanda McCray, William V. McCray, Matilda McCray, Sam'l McCray, Martha Vick, Emily Vick, Charles K. Marshall and Amanda his wife, Newitt H. Vick, William S. Bodley, Jilson P. Harrison, John J. Guion, Nicholas H. Rappleye, Sargeant S. Prentiss, Harvey Jenkins, Claiborne Steele, John Stinson, David Snodgrass, and the President, Directors and Company of the Commercial and Rail Road Bank of Vicksburg, defendants, greeting:

You are hereby cited and admonished to appear at a Supreme Court of the United States, to be held at Washington on the second Monday in January next, pursuant to an appeal obtained from the honorable John McKinley, one of the judges of the circuit court of the United States for the southern district of Mississippi, in a certain suit in chancery in said court, wherein John Lane and wife and Elizabeth Irion were complainants, and you are defendants, to show cause, if any you can, why the decree in said cause should not be reversed, and speedy justice done the parties in this behalf.

Witness John McKinley, one of the associate justices of the [L. S.] Supreme Court of the United States, at Jackson, this 13th day of September, A. D. 1842, and in the 67th year of the independence of the said United States of America.

J. McKINLEY,
One of the Associate Justices of the Supreme Court of the United States.

The clerk of the circuit court of the United States for the southern district of Mississippi, is hereby authorized to fill up, in proper form, a citation over my signature, and with the names of the parties on record in the suit in said court, in which I have this day granted an appeal upon the petition of John Lane and Sarah Lane his wife, and Elizabeth Irion, an infant under twenty-one years of age, suing by her next friend John Lane, from a decree in a suit in chancery rendered at the last May term in favor of Sargeant S. Prentiss and others.

J. McKINLEY,
One of the Associate Justices of the Supreme Court of the United States, and presiding Judge of said Circuit Court.

September 5, 1842.